

Appln No. 10/827,531

Reply to the Office Action of June 6, 2005

### **REMARKS**

Claims 43, 52-54 and 72-74 have been canceled. Claims 38-42, 44-51, 55-71 and 75-81 and new Claim 82 are active in the present application. Reconsideration is respectfully requested.

#### **Claim Amendments**

The claims of the case have been amended in view of the indication in paragraph of the Office Action by the Examiner that Claims 43, 50, 56, 59, 62-65 and 67 would be allowable if rewritten in independent form. Such has now been done and withdrawal of the prior art grounds of rejection of paragraphs 2-4 of the Action is respectfully requested. Entry of the amendments is respectfully requested.

#### **Restriction Requirement**

The restriction requirement of record is obviated by the cancellation of the claims that have been withdrawn from consideration.

#### **Double Patenting Rejection**

Claims 38-81 stand rejected based on the judicially created doctrine of obviousness-type double patenting over Claims 1-59 of U. S. Patent 6,666,953. This ground of rejection is respectfully traversed.

The cited patent document claims an aqueous suspension of one or more pigments, fillers or mineral which may contain a dispersant polymer to stabilize the rheology of the

suspension. The suspensions are characterized by i) containing a natural carbonate and the reaction product(s) of the carbonate with gaseous CO<sub>2</sub> and the reaction product(s) of the carbonate with one or more medium-strong to strong providers of H<sub>3</sub>O<sup>+</sup> ions, and ii) having a pH greater than 7.5 as measured at 20° C. Component (i) of the suspension has a BET specific surface area ranging from 5 m<sup>2</sup>/g to 200 m<sup>2</sup>/g. On the other hand, not only is the present invention not directed to such an aqueous suspension based on natural carbonate, but there is nothing in the claims of the patent that speak to a composite compound of at least two mineral or organic fillers or pigments, at least one of which has a surface with at least one hydrophilic site and the other at least one organophilic site, the two materials being co-structured or co-absorbed by being blended with at least one binding agent. Accordingly, the claims of the cited patent do not render the presently claimed invention obvious to one of skill in the art. Withdrawal of the double patenting ground of rejection is respectfully requested.

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It is now believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "FD Vastine".

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